

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEGAN LLC,
Plaintiff,
v.
ZYNGA INC.,
Defendant.

Case No. 14-cv-01315-VC (JCS)

**ORDER TO SHOW CAUSE WHY
STIPULATED MOTION TO FILE
UNDER SEAL DOCUMENTS
REGARDING PLAINTIFF'S MOTION
TO COMPEL SHOULD NOT BE
DENIED**

Re: Dkt. No. 124

The parties have submitted a stipulated motion to filed documents under seal (“Motion”). Docket No. 24. In the Motion, Segan states that the documents should be filed under seal because they were designated by Zynga as being “HIGHLY CONFIDENTIAL -ATTORNEYS’ EYES ONLY” under the protective order in this case. The Motion fails to comply with this Court’s Local Rule 79-5(e), which governs filing material designated as confidential by another party under seal.

In order to file documents related to a non-dispositive motion under seal, a party must make “a particularized showing of ‘good cause’ under Federal Rule of Civil Procedure 26(c).” *In re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012). This Court’s Civil Local Rules provide that such showing should be made by declaration, and that “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” L.R. 79-5(d)(1)(A). However, when a document contains information that an opposing party or non-party has designated as confidential, the submitting party may meet its burden by following the procedure set forth in Local Rule 79-5(e):

(e) Documents Designated as Confidential or Subject to a Protective Order. If the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party's declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential ("the Designating Party"). The declaration must be served on the Designating Party on the same day it is filed and a proof of such service must also be filed.

L.R. 79-5(e). The burden shifts to the Designating Party to submit a declaration within four days showing good cause why the material should be filed under seal. L.R. 79-5(e)(1).

Plaintiff is therefore ORDERED to show compliance with Local Rule 79-5 no later than January 9, 2015. If Plaintiff complies with the Local Rule, the Designating Party or Parties will have four days from the date of Plaintiff's compliance to file declarations pursuant to Local Rule 79-5(e)(1).

IT IS SO ORDERED.

Dated: January 5, 2015


JOSEPH C. SPERO
United States Magistrate Judge